

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

CORY HAMMOCK,

Plaintiff,

v.

MOVING STATE TO STATE, LLC, STATE
TO STATE MOVING NY INC, STATE TO
STATE MOVING GROUP LLC, MICKEY
MILLER, NATALIE SCHMID, JOE MILLER,
and DOES 2-6

Defendants.

1:18-CV-05628-SJ-ST

**MOTION FOR SECOND TEMPORARY
RESTRAINING ORDER AND
SANCTIONS**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 65(b) and Local Rule 6.1, Plaintiff Cory Hammock (“Plaintiff”), hereby moves this Court to enter a second *ex parte* Temporary Restraining Order and/or sanctions against Defendants STATE TO STATE MOVING NY INC, STATE TO STATE MOVING GROUP LLC, MICKEY MILLER, NATALIE SCHMID, JOE MILLER, and DOES 2-6 (collectively “Defendants), and in support thereof states as follows:

1. On January 4, 2019, Plaintiff applied for and at or around 4:30PM received emergency *ex parte* temporary injunctive relief in this action based on Defendant Joe Miller’s threats to auction Plaintiff’s irreplaceable household goods. The Order provided for same-day personal service upon Defendants. **Exhibit A**
2. Plaintiff’s counsel had a paralegal take a car directly from the courthouse to Defendants’ principle place of business immediately after it was signed. Service was not possible because no one answered the door. **Exhibit F**

3. Upon returning to his office, Plaintiff's counsel e-mailed Defendants at two addresses associated with them from which Defendants have been responsive since this litigation has been filed. Defendants have corresponded with Plaintiff's counsel from one of these two e-mail addresses twice since he sent them the Order. Defendant Joe Miller has made known to Plaintiff's counsel in phone conversations his knowledge of the Order and its contents.

Exhibit B

4. Plaintiff's counsel then engaged process servers to attempt next-day Saturday personal service. **Exhibit C**
5. In addition, on Monday, January 7th, 2019 Plaintiff served the corporate defendants' registered agent. **Exhibits D and E**
6. Defendants are not in compliance with the Order and have not provided Plaintiff's counsel with information on the whereabouts of Plaintiff's household goods. Defendant Joe Miller has, since verbally acknowledging receipt of the order, stated that Plaintiff's goods will be auctioned on January 10, 2019. Defendant Joe Miller has also been informed during these conversations of this hearing's date and time.
7. Given the conduct and statements of Defendants to Plaintiff's counsel, Plaintiff's due diligence in attempting personal service as well as effectuation of service on the corporate defendants' registered agent in New York State, and Defendants' stated intent to permanently dispossess Plaintiff of his irreplaceable household belongings on January 10, 2019, and Defendants' knowing disregard for the Court's Order, Plaintiff requests that this Court issue sanctions and an Order sufficient to ensure that Plaintiff's goods are preserved.

8. Given Defendants' knowing disregard of the Order, demonstrated intent to disregard further Orders, and recalcitrance, Plaintiff respectfully requests that this Court due all in its power, including civil and criminal sanctions, to prevent continuing harm to Plaintiff.
9. Due to Defendants' threats of imminent irreversible harm and the probability of it as well as the shortage of time between the Defendants' non-compliance with the Order at close of business January 7th, 2019 and the 8:30AM January 8th, 2019 in-person hearing, Plaintiff respectfully submits that a fully briefed Memorandum of Law is impossible to prepare and asks the Court to dispense with this requirement.
10. WHEREFORE, for the foregoing reasons, and the reasons expressed more fully in the accompanying Affirmation in Support, Plaintiff prays that the Court enter any sanctions and further Orders as may be necessary and sufficient to ensure Plaintiff's household goods are not auctioned and control of them is returned to him forthwith.

Dated: January 8, 2019

/s/ T. Bryce Jones
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